

cc: KSC

ORIGINAL

Michael William Flaherty, pro se
PO Box 1308
Kapaau, HI, 96755
808-889-1004 phone

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
FEB 06 2009
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SUE BEITIA, CLERK

United States District Court for the
District of Hawaii

United States of America)	
)	
Plaintiff,)	Civil Action No. CV08-00493 SOM KSC
)	
vs.)	
)	SCHEDULING CONFERENCE
Michael W. Flaherty)	STATEMENT PURSUANT TO LR 16.2 (B)
Margaret Lee Rona Flaherty,)	
Bank of Hawaii, the State of)	
Hawaii, Department of Taxation)	
)	
Defendants)	
)	

Michael William Flaherty respectfully submits the following Scheduling Conference
Statement in accordance with LR 16.2 (b).

1. Nature of the Case

I have always prepared my own tax returns, reducing my tax liability to almost zero every
year. I was never audited.

In 1999 upon completing my tax return, I had reduced my adjusted gross income to well
under the statutory amount that would require me to file and I owed no taxes after significant
losses in my stock trading activities. I chose not to file, because I perceived no legal duty to file.

I received letters and notices of deficiency which I knew were erroneous because I had
completed my tax return and owed no tax. I also received waiver forms from the IRS asking me

to agree to their demands and waive my due process rights. I declined..

I have made several attempts to resolve this dispute by formally requesting information regarding any assessment against me under 5 U.S.C. 552 The Freedom of Information Act, but to date the IRS has failed to respond by producing an assessment. They haven't even identified an Assessment Officer.

At our January 15, 2009 Rule 26(f) conference I indicated to Mr. Hendon that settlement of my tax liability question could be easily resolved if he could produce any kind of assessment with an Assessment Officer's signature and date on it, because I have most of the information for the tax returns for the years in question. I also told him that I have requested any document like this three times already from the IRS. He told me he wasn't sure if he had to produce an assessment signed and dated by an Assessment Officer.

I have tax returns whereby I can and will declare under oath facts which will show that my actual "income taxes" are zero or nearly so. There may be some relatively modest "contributions" for certain "insurance" which in reality no more contributions than donations to Chicago "businessmen" in the 30's for "protection" against various threats might be honestly called donations. I don't want or need this insurance but the cost of litigating the issue is greater than the potential rewards.

While I decry this double speak and government dishonesty, I am willing to pay the juice and buy my peace. However, any claims for substantial amounts are irrational and cannot be supported by any rational proof or theory from the government.

2. Jurisdiction and Venue

I, Michael William Flaherty admits that this court has jurisdiction pursuant 26 U.S.C. §§

7402, 28 U.S.C. §§ 1331 and §§ 1345 over this matter but deny the tax liabilities that the Government claims. Venue for this action is proper in the District of Hawaii pursuant 28 U.S.C. §§ 1391 to the extent that I reside in, and my real property is located within, this judicial district. In addition, the fraud perpetrated by IRS officials have occurred in this State. All other claims by the Government are denied.

3. Jury Trial Election

I, Michael William Flaherty demand a Jury trial.

4. Disclosures

The parties have agreed to exchange the information required by Fed. R. Civ. P. 26 and LR 26.1 on or by February 17, 2009. There are many additional disclosure contemplated at this time and because the IRS Disclosure Office has already shown a blatant disregard for the law in providing information required under 5 U.S.C. 552, I may seek the courts assistance in procuring this information. I will perform my due diligence in good faith before seeking the aid of the Court.

5. Discovery Status

As of this writing, no party has conducted formal discovery.

Pending Motions and Hearing Dates

There are no pending motions and the only pending hearing date is the Fed. R. Civ. P. 16 (b) and LR 16.2 of the Local Rules of the United States District Court for the District of Hawaii Scheduling Conference set for February 9, 2009.

6. Special Procedures under Fed. R. Civ. P. 16 (c) and LR 16.2


I, Michael William Flaherty believe there are additional procedures and matters described

in Fed. R. Civ. P. 26 and LR 26.1 that may be addressed, but will reserve comment until after initial disclosures are completed.

7. Related Cases

I, Michael William Flaherty am not aware of any related cases in any state or federal court.

Respectfully submitted this February 5, 2009.


/s/ Michael Flaherty
Michael William Flaherty, pro se
P. O. Box 1308
Kapaa, HI. 96755-1308
808 889-1004
micflah@yahoo.com

CERTIFICATE OF SERVICE

I, Michael Flaherty, certify by my signature above that a copy of the foregoing was delivered by email this February 5, 2009 to:

Jeremy N. Hendon
US Department of Justice - Tax Division
PO Box 683
Ben Franklin Station
Washington, DC 20044-0683
Email: Jeremy.Hendon@usdoj.gov

Curtis C. Smith
Trial Attorney, Tax Division
U.S. Department of Justice
P.O. Box 683 Ben Franklin Station
Washington, DC 20044-0683
Email: Curtis.C.Smith@usdoj.gov

EDWARD H. KUBO JR., Esq. (2499)
United States Attorney
District of Hawaii

HARRY YEE (3790)

Asst. United States Attorney

Room 6100, PJKK Federal Building

300 Ala Moana Blvd., Box 50183

Honolulu, Hawaii 96850

E-mail: Harry.Yee@usdoj.gov